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12 UNITED STATES DISTRICT COURT
13 EASTERN DISTRICT OF WASHINGTON

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15 UNITED STATES OF AMERICA,
16

17 Plaintiff,

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19 vs.

20 RONALD CRAIG ILG,
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22 Defendant.
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Case No. 2:21-cr-00049-WFN

**DEFENDANT'S MOTION TO
SEAL RE: MICHAEL STANFILL,
Ph.D., FORENSIC
PSYCHOLOGICAL EVALUATION**

With Oral Argument:
November 18, 2021 at 11:00 am
Via Videoconference

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26 COMES NOW, the Defendant RONALD CRAIG ILG, by and through his
27 attorneys of record, Carl J. Oreskovich and Andrew M. Wagley of Etter,
28 McMahon, Lamberson, Van Wert & Oreskovich, P.C., and hereby moves the
29 Court for an Order sealing the Forensic Psychological Evaluation of Defendant
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1 Ronald Craig Ilg, MD (“Dr. Ilg”) completed by Michael Stanfill, Ph.D. This
2 Forensic Evaluation is used in support of Dr. Ilg’s accompanying Motion to
3 Revoke Pretrial Detention Order. This Motion is brought pursuant to Fed. R.
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Crim. P. 49.1(d) and is supported by the following Memorandum of Law.

MEMORANDUM OF LAW

Pursuant to Fed. R. Crim. P. 49.1(d), the Court “may order that filing be made under seal without redaction.” “Unless a particular court record is one traditionally kept secret, a strong presumption [exists] in favor of [public] access [to the record] is the starting point.” *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006). Therefore, “[a] party seeking to seal a judicial record bears the burden of overcoming this strong presumption by meeting the compelling reasons standard.” *Kamakana*, 447 F.3d at 1178. However, the public’s right of access “can be overcome . . . by an overriding right or interest ‘based on findings that closure is essential to preserve higher values and is narrowly tailored to serve that interest.’” *Oregonian Publ’g Co. v. U.S. Dist. Court*, 920 F.2d 1462, 1465 (9th Cir. 1990) (quoting *Press-Enterprise Co. v. Superior Court*, 464 U.S. 501, 510 (1985)).

1 In the situation at hand, the accompanying Psychological Evaluation
2 contains substantial private information in the form of statutorily-protected
3 medical information regarding Dr. Ilg's mental health. *See* RCW 70.02.005(1)
4 ("Health care information is personal and sensitive information that if
5 improperly used or released may do significant harm to a patient's interests in
6 privacy, health care, or other interests."); *accord* 45 C.F.R. § 164.502(a) ("A
7 covered entity or business associate may not use or disclose protected health
8 information, except as permitted or required by this subpart or by subpart C of
9 part 160 of this subchapter."). As such, various district courts have likewise
10 ordered that mental health evaluations be sealed in the court file. *See United*
11 *States v. Salisbury*, 2014 WL 1577196, at *3 (D. Nev. 2014) (unpublished)
12 (forensic report filed under seal); *see also United States v. Hutton*, 2020 WL
13 5018383, at *2 (D. Mont. 2020) (unpublished) (noting that reports on
14 defendant's psychological condition shall be filed under seal); *accord United*
15 *States v. Caraang*, 2018 WL 2216103, at *6 (W.D. Wash. 2018) (unpublished)
16 (forensic psychological evaluation filed under seal).

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18 To the extent the public has a right of access to documents used in the
19 judicial decision-making process, pertinent excerpts and conclusions of the
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1 Psychological Evaluation are quoted in the accompanying Motion for Pretrial
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3 Release. Based upon the foregoing, good cause and compelling reasons exist to
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5 grant Defendant's Motion to Seal the accompanying Forensic Psychological
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7 Evaluation.

8 RESPECTFULLY SUBMITTED this 10th day of November, 2021.

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10 ETTER, McMAHON, LAMBERSON,
11 VAN WERT & ORESKOVICH, P.C.
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13 By: /s/ Andrew M. Wagley

14 Carl J. Oreskovich, WSBA #12779

15 Andrew M. Wagley, WSBA #50007

16 *Attorneys for Defendant Ronald Craig Ilg*
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CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury of the laws of the United States and the State of Washington that on the 10th day of November, 2021, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF System, which will send electronic service to all attorneys of record.

EXECUTED this 10th day of November, 2021 in Spokane, WA.

By: /s/ Jodi Dineen
Jodi Dineen